

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

**WELLS FARGO BANK, N.A., AS
TRUSTEE FOR THE
REGISTERED HOLDERS OF
MORTGAGE SECURITIES
CORPORATION II,
COMMERCIAL MORTGAGE
PASS - THROUGH
CERTIFICATES, SERIES 2007-
GG10, ACTING BY AND
THROUGH ITS SPECIAL
SERVICER CWCAPITAL
ASSET MANAGEMENT, LLC,**

Plaintiff,

vs.

**PORTFOLIO-SHEFFIELD, LLC,
et al.,**

Defendants.

Case No. CV-08-S-1902-NW

FINDINGS AND CONCLUSIONS

This cause coming on to be heard on the written motion of plaintiff for Judgment by Default in favor of plaintiff, and against defendant, Portfolio-Sheffield, LLC, pursuant to Rule 55(b), Federal Rules of Civil Procedure,¹ the court makes the following findings and conclusions:

1. The Summons and Complaint were served upon defendant, Portfolio-

¹ See doc. no. 31 (motion for default judgment).

Sheffield, LLC, on October 20, 2008. Defendant has failed to appear, plead, or otherwise defend.

2. Portfolio-Sheffield, LLC, is a limited liability corporation.

3. Portfolio-Sheffield, LLC, defaulted in its obligations to plaintiff under certain contracts between the parties — *i.e.*, a Leasehold Mortgage, an Assignment of Leases and Rents, and a Security Agreement, dated June 13, 2007.

4. Because of that default, plaintiff is entitled to exercise certain rights and remedies; specifically, the appointment of a receiver. Plaintiff is also entitled to the remedy of permanent injunctive relief.

A judgment will be entered consistent with these findings and conclusions.

DONE this 15th day of May, 2009.



United States District Judge